IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

OP.No. 14326 of 2000(E)

PETITIONER:

M/S PALAKKAD INDUSTRIES, UNIT OF PANDIAN - CHEMICALS LTD., NEW INDUSTRIAL DEVELOPMENT AREA, KANJIKODE-678621, REP. BY ITS GENERAL MANAGER SRI.K. SATHYAVAN

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE

RESPONDENTS:

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1. GOVT. OF KERALA, REP. BY THE SECRETARY, TO POWER DEPARTMENT, GOVT. SECRETARIAT, TVM.

2. THE CIEF ELECTRICAL INSPECTOR, GOVT. OF KERALA, TVM.

3. KERALA STATE ELECTRICITY BOARD, PATTOM, TVM, REP. BY ITS CHAIRMAN

BY ADV. SRI.C.RAGHAVAN, SC, KSEB
SRI. ASOK M.CHERIYAN, SC, KSEB
SRI.A.SUDHI VASUDEVAN, SC, KSEB
GOVERNMENT PLEADER N.SUDHA
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE ORDER DATED 21.5.90 ISSUED BY THE GOVT. OF KERALA

EXT.P2- TRUE COPY OF THE ORDER DATED 17.9.93 ISSUED BY THE GOVT. OF KERALA

EXT.P3- TRUE COPY OF THE CERTIFICATE DATED 10.3.97 ISSUED BY THE DIRECTORATE OF INDUSTRIES & COMMERCE

EXT.P4- TRUE COPY OF THE LETTER DATED 24.6.99 ISSUED BY THE CHIEF ELECTRICAL OFFICER

EXT.P5- TRUE COPY OF THE ORDER DATED 21.8.95 ISSUED BY THE GOVT OF KERALA

EXT.P6- TRUE COPY OF THE ORDER DATED 24.4.97 ISSUED BY THE ELECTRICITY BOARD

EXT.P7- TRUE COPY OF THE LETTER DATED 11.5.99 SENT BY THE PETITIONER TO THE SECRETARY TO GOVT POWER (A) DEPARTMENT, GOVT. OF KERALA

(TRUE COPY)

P.A TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J

O.P. 14326/2000

Dated this 25th day of September, 2007

JUDGMENT

The issue raised in this case is already covered by the judgment dated 26.11.2004 in O.P.6838/1998 **(Sueera Alloys (P) Ltd., v. The Electrical Inspector, K.S.E.B, Palakkad and others).** Under such circumstances, this writ petition is allowed directing that the request of the petitioner for exemption will be considered on the basis of the decisions contained in the said judgment and without reference to any cut of date. Such decision shall be taken and communicated to the petitioner within three months from the date of receipt of a certified copy of this judgment. If such decision, in accordance with law, is in favour of the writ petitioner, it will also be entitled to all consequential adjustments. The refund of the excess amount if any, paid towards the electricity duty shall not be recovered on the basis of the impugned decision, until the decision as aforesaid is taken. The petitioner will also produce a copy of the judgment dated 26.11.2004 in O.P.6838/1998 along with the

certified copy of this judgment before the competent respondent for compliance of the directions contained herein. It is clarified that the issue in this judgment is only with the cut of date and does not relate to any other issues.

THOTTATHIL B. RADHAKRISHNAN,
Judge

mrcs